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INTERNATIONAL WOMEN'S RIGHTS LAW

PROFESSOR REBECCA J. COOK

FACULTY OF LAW

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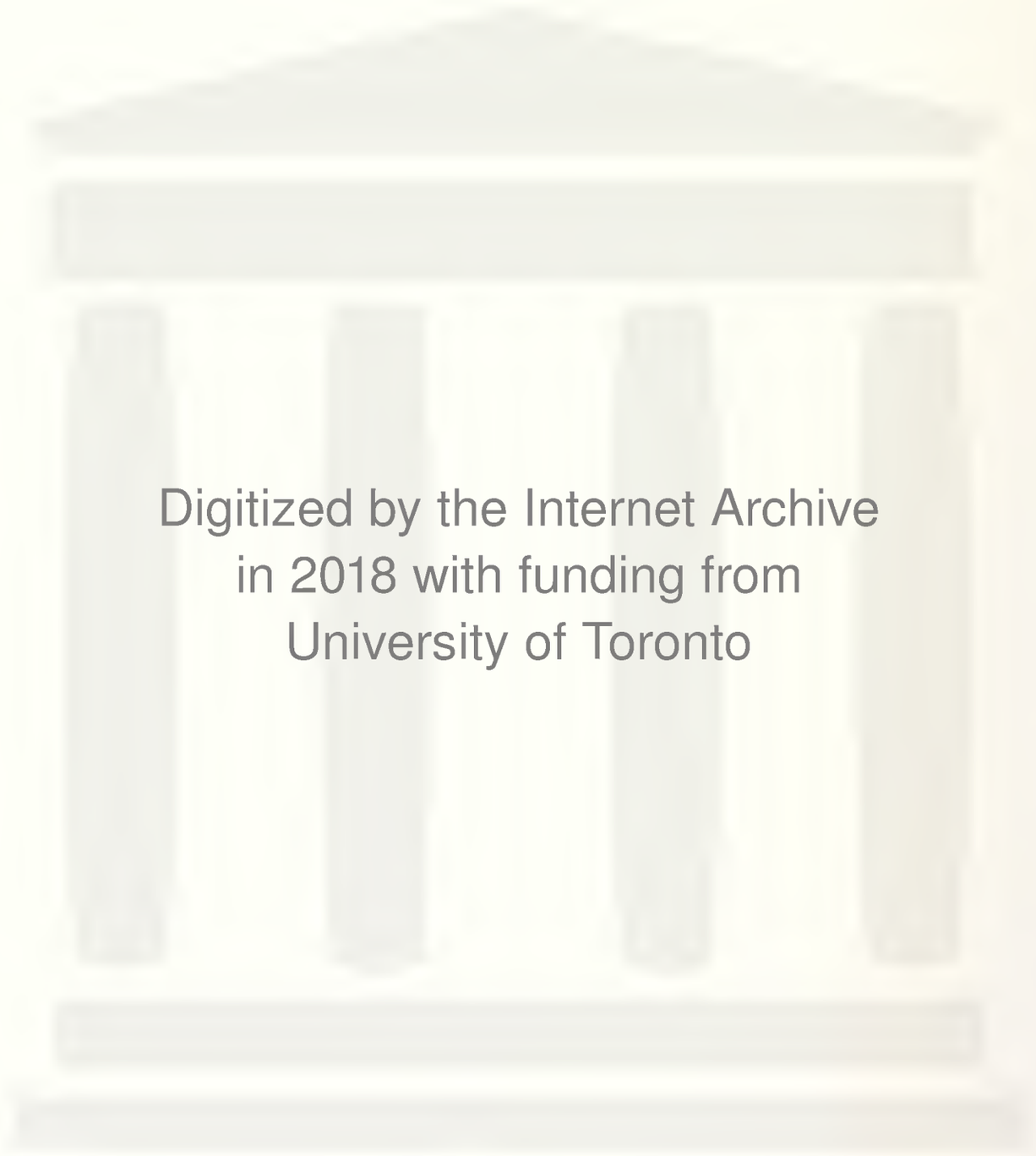
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International Women's Rights Law

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2002-2003

1. Overview and Origins

Hilary Charlesworth, What are "Women's International Human Rights"? in Human Rights of Women: National and International Perspectives 58-84, Philadelphia: U of Penn Press,1994 2

Rebecca Cook, Women's International Human Rights Law: The Way Forward in Human Rights of Women: National and International Perspectives 3-36, Philadelphia: U of Penn Press, 1994 16

Arvonne Fraser, Becoming Human: The Origins and Development of Women's Human Rights, Human Rights Quarterly 21: 853-906 (1999), read only 885-904 34

2. Fostering Compliance with International Norms

Rebecca Cook, Effectiveness of the Beijing Conference in Fostering Compliance with International Law Regarding Women in Michael G. Schechter ed., UN-Sponsored World Conferences: Past, Present and Future, 65-84, United Nations University Press, (2000) 45

Radhika Coomarswamy, To Bellow Like a Cow: Women, Ethnicity and the Discourse of Rights in Human Rights of Women: National and International Perspectives 39-57, Philadelphia: U of Penn Press, 1994 58

Government of Canada, Convention on the Elimination of All Forms of Discrimination against Women: Fifth Report of Canada, 2002, full report available at: www.pch.gc.ca/ddp-hrd

3. Treaty Interpretation and Feminist Methods: The Women's Convention

Convention on the Elimination of All Forms of Discrimination against Women ..... (Appendix 1) 537

The Principles of Interpretation in Rebecca Cook, Reservations to the Convention on the Elimination of All Forms of Discrimination against Women, Virginia J. of Int'l Law 30: 643- 716, 660-663 (1990) 68

Hilary Charlesworth, Feminist Methods in International Law, American J. of Int'l Law 93: 379-394 (1999), read only 379-385 72

4. State Responsibility for Violations of Women's Rights

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Rebecca Cook, State Responsibility for Violations of Women's Rights, Harvard Human Rights J. 7: 125-175 (1994), read only 130-137..... 81

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Andrew Byrnes and Jane Connors, Enforcing the Human Rights of Women: A Complaints Procedure for the Women's Convention? Brooklyn J. of Int'l Law XXI: 679-783 (1996), 707-32..... 85

Kenneth Roth, Domestic Violence as an International Human Rights Issue in Human Rights of Women: National and International Perspectives 326-339, 1994, Philadelphia: U of Penn Press 99

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Rebecca Cook, State Responsibility for Violations of Women's Rights, 147-152 (issues); 172-174 (limitations) 106

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Human Rights Committee, General Comment 24 on Reservations 115

Rebecca Cook, Reservations to the Convention on the Elimination of All Forms of Discrimination against Women, 648-660, 678-687..... 122

Ayelet Shachar, Multicultural Jurisdictions: Cultural Differences and Women's Rights, Cambridge: Cambridge University Press, 2001, 33-42, 45-57, 117-126, 131-135..... 135

6. The Prohibition of Discrimination against Women

Review 10-14 of Cook, Women's International Human Rights Law: The Way Forward

Sarah Joseph et al "Chapter 23 - Rights of Non-Discrimination" (excerpts) The International Covenant on Civil and Political Rights (Oxford: Oxford University Press, 2000) 518-524, 563-658 157

Titia Loenen, Rethinking Sex Equality as a Human Right, Netherlands Quarterly of Human Rights 3: 253-270 (1994) 169

Thlimmenos v. Greece (2001) 31 E.H.R.R. 15, paras: 1-3, 34-49 178

Equality of Rights between Men and Women, Human Rights Committee, General Comment 28, 20001 185

7. Intersections of Different Forms of Discrimination: Race, Ethnicity and Gender

Review 23-24 of Cook, Women's International Human Rights Law: The Way Forward

Yilmaz-Dogan v. The Netherlands, The Committee on the Elimination of Racial Discrimination, International Human Rights Law: Case Notes and Comments, Vanderbilt J. of Trans'l Law 23: 779-818 (1990), 789-790 192

Lovelace v. Canada, The Human Rights Committee, International Human Rights Law: Case Notes and Comments, Vanderbilt J. of Trans'l Law 23: 779-818 (1990), 784-785 194

Lisa Crooms, Indivisible Rights and Intersectional Identities or, "What Do Women's Rights Have to Do with the Race Convention?" Howard Law J. 40: 619-640 (1997) 196

Adrien Wing, "A Critical Race Feminist Conceptualization of Violence: South African and Palestinian Women" in Adrien Wing ed. Global Critical Race Feminism: An International Reader, 332-346, New York: New York University Press, 2000 208

CERD, *General Recommendation 25*, UN GAOR, 2000, Doc. No. A/55/18 216

8. Temporary Special Measures

Article 4 of the Women's Convention

Anne Bayefsky, The Principle of Equality or Non-Discrimination in International Law, Human Rights Law Journal 11 (1-2) 1- 34 (1990), 24-33 218

9. Discrimination with Respect to Nationality

The Attorney General v. Unity Dow, review 14-15 of Cook, Women's International Human Rights Law: The Way Forward

Tuan Anh Nguyen et al v. *Immigration and Naturalization Service* 533 U.S. (2001) (headnote) 223

Benner v.*Canada (Secretary of State)* [1997] 1 S.C.R. 358 (headnote).. 227

Karen Knop and Chris Chinkin, Remembering Chrystal MacMillan: Women's Equality and Nationality in International Law, Michigan J. of International Law 22: 523-585 (2001). 232

10. Discrimination with Respect to Social Rights

Review 71-73 of Charlesworth, What are "Women's International Human Rights"?

Review 23-24 of Cook, Women's International Human Rights Law: The Way Forward

Broeks v. the Netherlands, Human Rights Committee, CCPR/C/29/D/172/1984 paras: 1, 2.2-2.3, 4.1 a-d, 8.2-8.4, 10-16 264

Voz v. the Netherlands, Human Rights Committee, CCPR/C/35/D/218/1986 paras: 1, 2.1, 2.3, 8.9 – 9.2, 11.3, 12, 13 270

11. Violence against Women

Characterizing Violence

Review 20-21 of R. Cook, Women's International Human Rights Law: The Way Forward

Review K. Roth, Domestic Violence as an International Human Rights Issue

The Communication Respecting the Violations of Human Rights of Haitian Women before the Inter-American Commission on Human Rights p. 1-43 274

Aydin v. Turkey 25 E.H.R.R. 251 (1997), 251-257 (headnote), 251-257 & 294-303 319

Case 10.970 (Meijía (Fernando and Raquel) v. Peru) (1996) IACHR, Annual Report of the Inter-American Commission on Human Rights 1995,

157-200; OEA/Ser.L/VIII.91, Doc. 7 rev., February 28, 1996, read only pp. 157-162, 182-188 328

State Responsibility for Private Acts: Domestic Violence

Velasquez Rodriquez Case, Inter-Am Ct. H.R. (Ser. C) No. 4 (1988) 347

Delgado-Paez v. Colombia, Human Rights Committee, CCPR/C/39/D/195/1985 362

Declaration on the Elimination of Violence Against Women, United Nations General Assembly Resolution 48/104, 20 December 1993. 369

Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women "Convention of Belém do Pará", Inter-American Commission of Women, Organization of American States, June 9, 1994 372

CEDAW General Recommendation 19 377

12. International Trafficking in Women

Human Rights Watch, The Nature of the Abuse, in A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand New York: Human Rights Watch, 1993, pp. 3-7 384

Lois Chiang, Trafficking in Women: An International Issue in Women's International Human Rights: A Reference Guide Vol. I (Kelly Askin & Dorean Koenig eds.) Ardsley, N.Y.: Transnational Press, 1999, 321-364, read only 338-344 387

Ali Miller and Alison Stewart, Report from the Roundtable on the Meaning of "Trafficking in Persons": A Human Rights Perspective, Women's Rights Law Reporter 20: 11-19 (1998), read only section V. Towards a Definition of Trafficking: Deconstructing a Classic 391

Janie Chuang, Redirecting the Debate over Trafficking in Women: Definitions, Paradigms, and Concerns, 11 Harvard Human Rights J. 65-107 (1998) 396

Government of Canada, Convention on the Elimination of All Forms of Discrimination against Women: Fifth Report of Canada, 2002, 41-44. 418

12. State Responsibility for Changes in Domestic Laws

Baker v. Canada (Minister of Citizenship and Immigration) [1999] 2 S.C.R. 817, pp1-4 (holding), paras 2-10, 63-77 422

Vishaka v. State of Rajasthan (1997) 6 Supreme Court Cases 241 (India)..... 436

Karen Knop, Here and There: International Law in Domestic Courts, NYU J. of Int'l Law & Politics 32: 501-535 (2000)..... 444

Commonwealth Secretariat, Bangalore Principles in Developing Human Rights Jurisprudence – The Domestic Application of International Rights Norms Judicial Colloquium in Bangalore, 24-26 February, 1988. 462

P. N. Bhagwati, Creating a Judicial Culture to Promote Enforcement of Women's Human Rights in Andrew Byrnes, Jane Connors & Lum Byk eds., Advancing the Human Rights of Women: Using International Human Rights Standards in Domestic Litigation, 20-26, London: Commonwealth Secretariat, 1997..... 464

13. Enforcement

"Admissibility Requirements under the International Covenant on Civil and Political Rights" Sarah Joseph et al, The International Covenant on Civil and Political Rights (Oxford: Oxford University Press, 2000), 33-98 (excerpts) 468

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.....(Appendix 2) 550

Remedies

Dinah Shelton, Remedies in International Human Rights Law, Oxford, UK: Oxford University Press, 1999

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Rebecca Cook, State Responsibility for Violations of Women's Rights, 169-171..... 506

Case 10.970 (Meijia (Fernando and Raquel) v. Peru) (1996), see above, 188-193

Loayza Tamayo v. Peru, Inter-American Court of Human Rights, Reparations, Judgment of Nov 27, 1998, (ser. C) No. 42 (1998), paras: 107-192 508

14. Researching International Women's Rights

Bora Laskin Law Library, University of Toronto, Women's Human Rights Resources: http://www.law.utoronto.ca/diana

Marylin Raisch, International Women's Human Rights and Humanitarian Law, Guide IV of Selective Source Guides to Research in International Law, 2002 528